

REMARKS

Reconsideration and allowance of the above-identified application are respectfully requested. Claims 1-36 are now pending, wherein claims 34-36 are new.

Claims 5 and 16 rejected under 35 U.S.C. § 112, first paragraph as not being enabled. This ground of rejection is respectfully traversed.

The enablement rejection is based on the recitation of "long messaging service message" in claims 5 and 16. Specifically, the Office Action notes that this particular phrase is not mentioned in the specification, and then concludes that this phrase lacks enablement.

Applicants' specification, in paragraphs 0031, 0036, 0038 and 0041, discuss long mail, long mail messages, long mail summaries, and long mail message storage and retrieval. It is respectfully submitted that one of ordinary skill in the art, in view of Applicants' specification, would be able to make and use the subject matter of claims 5 and 16 without undue experimentation.

Furthermore, the Office Action has not provided any evidence to support the assertion that undue experimentation would be required to make and use the invention of claims 5 and 16. As discussed in M.P.E.P. § 2164.01, an enablement rejection requires "analysis of whether a particular claim is supported by the

disclosure in an application requires a determination of whether that disclosure, when filed, contained sufficient information regarding the subject matter of the claims as to enable one skilled in the pertinent art to make and use the claimed invention." M.P.E.P. § 2164(a) describes some of the factors used for determining whether any experimentation is undue. The Office Action has not provided any evidence of how these or any other factors demonstrate that there would be undue experimentation to make and use the subject matter of Applicants' claims 5 and 16. Accordingly, withdrawal of this ground of rejection is respectfully requested.

Claims 1-7 and 21-27 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,188,887 to Joong et al. ("Joong"). This ground of rejection is respectfully traversed.

Joong does not anticipate Applicants' claim 1 because Joong does not disclose "calculating a plurality of destination nodes based on a subscriber identifier and a plurality of addressing functions, each addressing function corresponding to a topology of the network at a particular moment in time."

Joong discloses three embodiments for supporting access to stored messages for roaming mobile stations. (Abstract). In the first embodiment when a mobile switching center (MSC) receives a data message for an addressee (step 100), the MSC uses the address information to identify the home messaging

center and send the message to the identified messaging center. A home location register (HLR) then determines a mobile station's current location and optimal messaging center and sends pointer information to the MSC. The MSC then sends the message to the optimal messaging center.

The difference between the first and second embodiments is that in the second embodiment the MSC identifies a messaging center that is associated with the MSC, whereas in the first embodiment an optimal messaging center is identified using pointer information. In the third embodiment, the data message is sent to both a messaging center associated with the MSC and to an optimal messaging center using the mobile station's current location.

The rejection of Applicants' claim 1 relies upon the current location of the mobile station disclosed in Joong as corresponding to the addressing functions recited in Applicants' claim 1. Joong does not, however, disclose that the home *and* associated messaging centers are identified by the mobile station's current location. Instead, Joong only discloses identifying a *single* messaging center, i.e., the optimal messaging center, based on the mobile station's current location. In contrast, Applicants' claim 1 recites that a *plurality of destination nodes* are calculated based on a subscriber identifier and a *plurality of addressing functions*.

Because Joong does not disclose all of the elements of Applicants' claim 1, Joong cannot anticipate this claim.

Joong does not anticipate Applicants' claim 2 because Joong does not disclose "querying the calculated plurality of destination nodes for a message." In Joong only a single messaging center is queried for a message. (See, for example, step 122 of Figures 2-4). The rejection of claim 2 relies upon the description corresponding to Figure 5 of Joong. Figure 5 relates to mailbox portability in which messages are transferred from a home messaging center to a messaging center associated with a visited network. There is nothing in this or any other section of Joong disclosing that a *plurality of destination nodes* are queried for a message. Accordingly, Joong cannot anticipate Applicants' claim 2.

Claims 3-7 are not anticipated by Joong at least by virtue of their dependency from claims 1 and 2.

Claim 21 recites a machine readable medium with similar elements to those discussed above with regard to claim 1, and is not anticipated by Joong for similar reasons. Claim 22 recites similar elements to claim 2, and is not anticipated by Joong for similar reasons. Claims 23-27 are not anticipated by Joong at least by virtue of their dependency from claim 21.

For at least those reasons stated above, it is respectfully requested that the rejection of claims 1-7 and 21-27 as being anticipated by Joong be withdrawn.

Claims 8 and 29 are rejected under 35 U.S.C. § 103(a) as being obvious in view of the combination of Joong and U.S. Patent No. 5,916,387 to Piskiel et al. ("Piskiel"). Claims 9 and 28 are rejected under 35 U.S.C. § 103(a) as being obvious in view of the combination of Joong and U.S. Patent No. 6,731,926 to Link, II et al. ("Link"). Claims 10 and 30 are rejected under 35 U.S.C. § 103(a) as being obvious in view of the combination of Joong and U.S. Patent No. 6,678,361 to Rooke et al. ("Rooke"). Claims 11 and 31 are rejected under 35 U.S.C. § 103(a) as being obvious in view of the combination of Joong and U.S. Patent No. 7,206,836 to Dinker et al. ("Dinker"). Claims 12, 13, 32 and 33 are rejected under 103(a) as being obvious in view of the combination of Joong and U.S. Patent No. 6,173,313 to Klots et al. ("Klots"). Claims 14-17 and 20 are rejected under 35 U.S.C. § 103(a) as being obvious in view of the combination of Joong, Piskiel, Link and Klots. Claim 18 is rejected under 35 U.S.C. § 103(a) as being obvious in view of the combination of Joong, Piskiel, Link, Klots and Rooke. Claim 19 is rejected under 35 U.S.C. § 103(a) as being obvious in view of the combination of Joong, Piskiel, Link, Klots and Dinker. These grounds of rejection are respectfully traversed.

The Office Action relies upon Piskiel, Link, Rooke, Dinker and Klots for elements recited in dependent claims 9-13. However, none of these documents remedy the above-identified deficiencies of Joong with respect to independent claim 1. Furthermore, the rejections based on Piskiel, Link, Rooke, Dinker and

Klots all rely on these documents as disclosing that certain general concepts are "well known in the art." To the extent that these statements are an attempt to invoke Official Notice, it is respectfully submitted that Official Notice is not appropriate because the Office Action includes prior art for the asserted well known concepts. Furthermore, Applicants' respectfully submit the mere disclosure of certain concepts in one or more of these documents does not demonstrate that the concepts are in fact well known in the art.

Moreover, Applicants' respectfully submit that Piskiel, Link, Rooke, Dinker and Klots each do not disclose or suggest all of the elements for which these documents are relied upon, or that one of ordinary skill in the art would have been motivated to combine the documents in the manner described in the Office Action. For example, the Office Action relies upon Rooke's disclosure of erasing a message after expiry of a time period as corresponding to "expiring one or more of the plurality of addressing functions based on a message validity period" recited in Applicants' claims 10 and 30. However, these claims do not recite expiration of a *message*, but instead expiration of a plurality of *addressing functions*. Regarding the combination of Joong and Rooke, there is no disclosure or suggestion in either of these documents, or any explanation in the Office Action, as to why one of ordinary skill in the art would have applied Rooke's time-based message expiration technique to the location of Joong (which the Office Action relies upon as corresponding to the "plurality of addressing

functions" recited in Applicants' claim 1). Accordingly, even if one of ordinary skill in the art would have been motivated to combine Joong and Rooke, there is no support for expiring a location of a mobile station using the time-based message expiration technique of Rooke.

Independent claim 14 recites a method with similar elements to those discussed above with regard to claim 1. As discussed above, Piskiel, Link, Rooke, Dinker and Klots do not remedy the above-identified deficiencies of Joong with respect to independent claim 1. Accordingly, claim 14 is patentably distinguishable for similar reasons. Claims 15-20 are patentably distinguishable at least by virtue of their dependency from claim 14.

For at least those reasons stated above, it is respectfully requested that the rejection of claims 8-20 and 28-33 be withdrawn.

New claim 34 is patentably distinguishable over the current grounds of rejection because the combination of documents relied upon for these rejections do not disclose or suggest a method in which a first node receives a message retrieval request, calculates second and third nodes, and forwards the message retrieval request to such nodes. New claims 35 and 36 are patentably distinguishable at least by virtue of their dependency from claim 34.

Serial No. 10/686,741
Amendment Dated: September 20, 2007
Reply to Office Action Mailed: June 20, 2007
Attorney Docket No. 101610.55984US

If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #101610.55984US).

Respectfully submitted,



Stephen W. Palan
Registration No. 43,420

September 20, 2007

CROWELL & MORING LLP
Intellectual Property Group
P.O. Box 14300
Washington, DC 20044-4300
Telephone No.: (202) 624-2500
Facsimile No.: (202) 628-8844
MS/SWP
4180268v1